

**Commonwealth of Kentucky  
Environmental and Public Protection Cabinet  
Department for Environmental Protection  
Division for Air Quality  
803 Schenkel Lane  
Frankfort, Kentucky 40601  
(502) 573-3382**

**Final**

**AIR QUALITY PERMIT  
Issued under 401 KAR 52:020**

**Permittee Name:** Free-Flow Packaging International, Inc.

**Mailing Address:** 1090 Mills Way, Redwood City, CA 94063-3120

**Source Name:** Free-Flow Packaging International, Inc.  
**Mailing Address:** 1090 Mills Way, Redwood City, CA 94063-3120

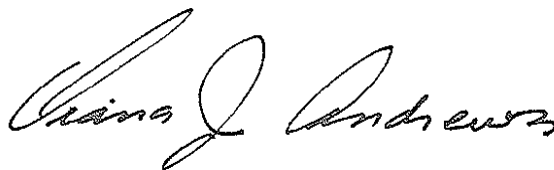
**Source Location:** 1 Graham Way, Hopkinsville, Kentucky 42240

**Permit Number:** V-05-068  
**Source A. I. #:** 37673  
**Activity #:** APE20040001  
**Review Type:** Title V Renewal  
**Source ID #:** 21-047-00099

**Regional Office:** Paducah Regional Office  
4500 Clarks River Road  
Paducah, KY 40023  
(270) 898-8468

**County:** Christian

**Application**  
**Complete Date:** April 22, 2004  
**Issuance Date:** May 15, 2006  
**Revision Date:** N/A  
**Expiration Date:** May 15, 2011



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**John S. Lyons, Director  
Division for Air Quality**

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	Permit Type	Log or Activity#	Complete Date	Issuance Date	Summary of Action
V-99-012	Initial Issuance	G041	3/15/99	May 5, 1999	Title V
V-05-068	Renewal	APE20040001	4/22/04	May 15, 2005	Permit Renewal

## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

## SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

### Emission Unit Description:

Emission Point	Emission Unit	Description / Raw Material	Construction Commenced	Capacity (TPY)
<b>Polyethylene (PE) Foam Plant</b>				
01 (P-1)	Foam Extrusion Line	Polyethylene foam sheet extruder / polyethylene, isobutane, ethane, glycerol monostearate	June 1999	419
02 (P-2)	Foam Reprocessing	Polyethylene scrap reprocessing equipment / polyethylene foam	June 1999	419
03 (W-1)	Foam Warehouse	Storage of polyethylene foam sheets	June 1999	419
<b>Polystyrene (PS) Loosefill Plant</b>				
04 (P-3)	Polystyrene Extrusion Line	Polystyrene loosefill extruder / Polystyrene, isobutane, isopentane	2001	148
05 (P-4)	Polystyrene Expansion	Expansion of polystyrene loosefill / Polystyrene loosefill	2001	148
06 (W-2)	Polystyrene Intermediate Storage (8 double silos) and Hotroom (6 silos)	Storage of polystyrene loosefill	2001	148
07 (W-3)	Polystyrene Product Storage	Storage of polystyrene loosefill	2001	148

### APPLICABLE REGULATIONS:

Self imposed limitations to preclude 401 KAR 51:017 – *Prevention of Significant Deterioration, PSD*

#### **1. Operating Limitations:**

- a. Foam Extrusion Line (EP 01(P-1)) emissions of volatile organic compounds (including isobutane) shall be released to the atmosphere vertically through a stack at the roof level of the building or higher. [Permit Number V-99-012 (Revision 2), issued on May 24, 2001]

#### ***Compliance Demonstration Method:***

Records shall be kept available at the plant site of the times when the emissions are not vented at the roof level or higher. See **6.c. Specific Reporting Requirements.**

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- b. The permittee shall only use recycled polystyrene as raw material at the Polystyrene Extrusion Line. [Permit Number V-99-012 (Revision 2), issued on May 24, 2001]

***Compliance Demonstration Method:***

Records shall be kept available at the plant site of all the raw material used. Records must contain information which shows that all polystyrene used is recycled.

**2. Emission Limitations:**

- a. Total emissions of volatile organic compounds (VOC) from all the emission points listed above for the PE Foam Plant shall not exceed 245 tons per year to preclude applicability of 401 KAR 51:017, Prevention of significant deterioration. [Permit Number V-99-012 (Revision 2), issued on May 24, 2001]

***Compliance Demonstration Method:***

Monthly records of isobutane throughput shall be kept available at the plant. These records shall be used to calculate the monthly and yearly VOC emissions as below:

To calculate VOC emissions from the Foam Extrusion Line, EP 01, the following procedure shall be followed:

For the blowing agent, an emission factor of 0.51 lb isobutane emitted/lb of isobutane used shall be used to calculate VOC emissions and an emission factor of 2.6 lb VOC/ton of polyethylene produced shall be used to calculate VOC emissions from the extrusion process.

Monthly emissions shall be calculated and kept available at the plant, and shall be used to calculate the annual emission rate.

Monthly VOC Emission Rate = [Monthly isobutane throughput rate x 0.51 lb isobutane emitted/lb of isobutane used] +  
[Monthly Polyethylene throughput rate x 2.6 lb VOC/ton of polyethylene produced]

To calculate VOC emissions from Foam Reprocessing, EP 02, the following procedure shall be followed:

Monthly emissions shall be calculated and be kept available at plant, and shall be used to calculate the annual emission rate.

Monthly VOC Emission Rate = [1 - 0.51 lb isobutane emitted/lb of isobutane used] x Monthly isobutane throughput x Percentage (by weight) of scrap material

*(100% of isobutane in the Scrap material is assumed to be emitted)*

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

To calculate VOC emissions from Foam Warehouse Storage, EP 03, the following procedure shall be followed:

An emission factor of 0.10 lb isobutane emitted / lb of residual isobutane present in the stored final product shall be used to calculate VOC emissions. The residual isobutane in the rolled foam sheets used shall be 0.49 lb isobutane emitted/ total isobutane.

Monthly emissions shall be calculated and kept available at the plant, and shall be used to calculate the annual emission rate.

Monthly VOC Emission Rate = [1 - 0.51 lb isobutane emitted/lb of isobutane used] x Monthly isobutane throughput x Percentage (by weight) of good polyethylene sheets x 0.10 lb isobutane emitted / lb of residual isobutane

To calculate the total VOC emissions from PE Foam Plant processing the following procedure shall be followed:

Total Monthly VOC Emission Rate = VOC Emissions from Extrusion (EP 01) + VOC Emissions from Reprocessing (EP 02) + VOC emissions from Warehouse Storage (EP 03)

Total Annual VOC Emission Rate =  $\Sigma$  Total monthly VOC emissions for prior 12-consecutive months

- b. Total emissions of volatile organic compounds (VOC) from the PS Loosefill Plant emission points, identified as P-3 (EP 04), P-4 (EP 05), W-2 (EP 06) and W-3 (EP 07), shall not exceed 225 tons per year to preclude applicability of 401 KAR 51:017, prevention of significant deterioration of air quality. [Permit Number V-99-012 (Revision 2), issued on May 24, 2001]

***Compliance Demonstration Method:***

Monthly records of isobutane and isopentane (referred as blowing agent) throughput shall be kept available at the plant. These records shall be used to calculate the monthly and yearly VOC emissions as below:

To calculate VOC emissions from the Polystyrene Extrusion Line, EP 04, the following procedure shall be followed:

For the blowing agent, an emission factor of 0.11 lb blowing agent / lb of blowing agent used shall be used to calculate VOC emissions.

Monthly emissions shall be calculated and kept available at the plant, and shall be used to calculate the annual emission rate.

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

Monthly VOC Emission Rate = [Monthly blowing agent throughput rate x 0.11 lb blowing agent / lb of blowing agent used]

NOTE: This same procedure of multiplying monthly blowing agent throughput times the emission factor shall be used to calculate emissions from all other emission points in the PS Loosefill Plant.

To calculate VOC emissions from Polystyrene Expansion, EP 05, the following procedure shall be followed:

The emissions from polystyrene expansion are split into two phases to account for the expansion after extrusion and intermediate storage. Mass balance and the emission factors listed herein shall be used to calculate the monthly VOC emissions. An emission factor of 0.1913 lb VOC/lb of blowing agent for phase I and 0.1686 lb VOC/lb of blowing agent for phase II shall be used to calculate VOC emissions. Monthly emissions shall be calculated and kept available at the plant, and shall be used to calculate the annual emission rate.

Monthly VOC Emission Rate = Monthly Phase I VOC emissions + Phase II VOC emissions

To calculate VOC emissions from Polystyrene Intermediate Storage and hotroom, EP 06, the following procedure shall be followed:

The emissions from Emission Point 06 are split into two phases, i.e, intermediate storage and hotroom. Mass balance and the emission factors listed herein shall be used to calculate the monthly VOC emissions. An emission factor of 0.0967 lb VOC/lb of blowing agent for intermediate storage and 0.3151 lb VOC/lb of blowing agent for hotroom shall be used to calculate VOC emissions. Monthly emissions shall be calculated and kept available at the plant, and shall be used to calculate the annual emission rate.

Monthly VOC Emission Rate = Monthly intermediate storage VOC emissions + hotroom VOC emissions

To calculate total VOC emissions from the Polystyrene Loosefill Plant the following procedure shall be followed:

Total Monthly VOC Emission Rate = VOC Emissions from PS Extrusion (EP 04) + VOC Emissions from PS Expansion (EP 05) + VOC emissions from PS Intermediate Storage and hotroom (EP 06)

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

Total Annual VOC Emission Rate =  $\Sigma$  Total monthly VOC emissions for prior 12-consecutive months

**3. Testing Requirements:**

- a. Any consecutive 12-month period during which PE Foam Plant or PS Loosefill Plant VOC emissions exceed 245 tons or 225 tons, respectively, testing shall be conducted in accordance with the paragraphs (b), (c) and (d) below to re-verify the emission factor within sixty (60) days of exceeding the respective emission limit. The test results shall be submitted to the Division within ninety (90) days of exceeding 225 TPY. Testing shall be done to reverify the emission factor after every 12 month period starting the date of exceeding 225 TPY. However, annual testing to re-verify the emission factor is not necessary if the twelve month rolling total for the next twelve months after the date of exceeding 225 TPY stays below 225 TPY. [Permit Number V-99-012 (Revision 2), issued on May 24, 2001]
- b. Pursuant to 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in Regulation 401 KAR 50:015 shall be conducted as required by the Division. If different testing methods are proposed from above-mentioned regulation or if there is no suitable reference method for the measurement of VOC, a testing protocol shall be submitted by the source one (1) month in advance, and be approved by the Division.

**4. Specific Monitoring Requirements:**

- a. The total monthly amounts in pounds of good and scrap polyethylene sheets produced shall be monitored. This information shall be used in emissions calculation from the warehouse and reprocessing. [Permit Number V-99-012 (Revision 2), issued on May 24, 2001]
- b. The total monthly throughput of isobutane used at the PE Foam Plant shall be monitored. [Permit Number V-99-012 (Revision 2), issued on May 24, 2001]
- c. The total monthly amounts in pounds of recycled polystyrene raw material and PS loosefill produced shall be monitored. [Permit Number V-99-012 (Revision 2), issued on May 24, 2001]
- d. The total monthly throughput of blowing agent used at the plant shall be monitored. [Permit Number V-99-012 (Revision 2), issued on May 24, 2001]
- e. Monthly VOC emissions from each emission point and rolling 12-month total VOC emissions from PE Foam Plant and PS Loosefill Plant shall be monitored. [Permit Number V-99-012 (Revision 2), issued on May 24, 2001]



## **SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

### **5. Specific Recordkeeping Requirements:**

- a. The permittee shall compile monthly records of the VOC emissions from each emission point and the total VOC emissions at the PE Foam Plant and PS Loosefill Plant. Compliance with the annual emission limit for each plant shall be determined as a 12-month rolling total. [Permit Number V-99-012 (Revision 2), issued on May 24, 2001]
- b. The permittee shall keep records of the total monthly amounts in pounds of good and scrap polyethylene sheets produced. This information shall be used in emissions calculation from the warehouse and reprocessing. [Permit Number V-99-012 (Revision 2), issued on May 24, 2001]
- c. The permittee shall keep records of the total monthly throughput of isobutane used at the PE Foam Plant. [Permit Number V-99-012 (Revision 2), issued on May 24, 2001]
- d. The permittee shall keep records of the total monthly amounts in pounds of recycled polystyrene raw material and PS loosefill produced. [Permit Number V-99-012 (Revision 2), issued on May 24, 2001]
- e. The permittee shall keep records of the total monthly throughput of blowing agent used at the plant. [Permit Number V-99-012 (Revision 2), issued on May 24, 2001]

### **6. Specific Reporting Requirements:**

- a. The monthly VOC emissions summary reports from the entire PE Foam Plant and PS Loosefill Plant shall be submitted to the Paducah regional office on a calendar quarter basis. The quarterly reports shall be submitted within 30 days after the end of each quarter. If the VOC emissions exceed 225 TPY in any consecutive 12-month period, then the monthly VOC emissions summary reports from the PE Foam Plant and PS Loosefill Plant shall be submitted to the Paducah regional office on monthly basis. The monthly reports shall be submitted within 15 days after the end of each month. The monthly reporting requirement will revert back to quarterly if the 12-month rolling total for the next 12 months after the date of exceeding 225 TPY stays below 225 TPY. [Permit Number V-99-012 (Revision 2), issued on May 24, 2001]
- b. Any consecutive 12-month period during which VOC emissions from the PE Foam Plant or PS Loosefill Plant exceed 225 tons shall be reported to the Paducah regional office. The report shall consist of the following information: [Permit Number V-99-012 (Revision 2), issued on May 24, 2001]
  1. The 12-month period during which PE Foam Plant or PS Loosefill Plant emissions exceeded 225 TPY.
  2. Calculations documenting the actual emissions during this 12-month period.

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

3. The proposed testing dates for re-verifying the VOC emission factors from PE Foam Plant and PS Loosefill Plant emission points. See **3. Testing Requirements** above.
  - c. VOC emissions from the PE foam extrusion process not released at the roof level shall be reported to the Paducah regional office. [Permit Number V-99-012 (Revision 2), issued on May 24, 2001]
7. **Specific Control Equipment Operating Conditions:**  
None
8. **State-Origin Requirements:**  
None

**SECTION C - INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4). While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Parking Lot Sweeping	401 KAR 63:010
2. Two (2) 14,000 gallon isobutane Tanks (Pressurized)	None
3. Six (6) Blown Film Lines	None
4. Product Sheeting, Splitting, Perforating & Laminating Equipment	401 KAR 59:010
5. Miscellaneous configurators for airbag products	None
6. Bubble, envelope and pouch production equipment	None
7. One (1) 5.23 MMBtu/hr Kewanee Steam Boiler	401 KAR 59:015
8. One (1) crystal clean cold cleaning degreaser	None

## **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.

## **SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS**

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

## SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a. Date, place as defined in this permit, and time of sampling or measurements;
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b(IV) 2 and 1a(8) of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
  - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
  - b. To access and copy any records required by the permit;
  - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Section 1b (V )1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

**SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
  - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
8. The permittee shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.6 [Section 1b (V) 3, 4. of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
  - a. Identification of the term or condition;
  - b. Compliance status of each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent;
  - d. The method used for determining the compliance status for the source, currently and over the reporting period.
  - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
  - f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

**SECTION F - MONITORING, RECORDKEEPING, AND REPORTING  
REQUIREMENTS (CONTINUED)**

Division for Air Quality  
Paducah Regional Office  
4500 Clarks River Road  
Paducah, KY 42003

U.S. EPA Region 4  
Air Enforcement Branch  
Atlanta Federal Center  
61 Forsyth St.  
Atlanta, GA 30303-8960

Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.
11. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.



**SECTION G - GENERAL PROVISIONS****(a) General Compliance Requirements**

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a, 3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a, 6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
  - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
  - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Section 1a, 7,8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a, 14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a, 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a, 15 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a, 10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3)(b)].
11. This permit does not convey property rights or exclusive privileges [Section 1a, 9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Environmental and Public Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3)(d)].
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3)(a)].
15. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

16. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of issuance. Compliance with the conditions of a permit shall be considered compliance with:
- Applicable requirements that are included and specifically identified in the permit and
  - Non-applicable requirements expressly identified in this permit.

(b) Permit Expiration and Reapplication Requirements

1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
2. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020 Section 8(2)].

(c) Permit Revisions

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements

None

(e) Acid Rain Program Requirements

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

**SECTION G - GENERAL PROVISIONS (CONTINUED)****(f) Emergency Provisions**

1. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
  - a. An emergency occurred and the permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
  - d. Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
  - e. This requirement does not relieve the source of other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

**(g) Risk Management Provisions**

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center  
P.O. Box 1515  
Lanham-Seabrook, MD 20703-1515.

2. If requested, submit additional relevant information to the Division or the U.S. EPA.

**(h) Ozone depleting substances**

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

- b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
  - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

**SECTION H - ALTERNATE OPERATING SCENARIOS**

None

**SECTION I - COMPLIANCE SCHEDULE**

None